

**MILITARY COMMISSIONS TRIAL JUDICIARY  
GUANTANAMO BAY, CUBA**

<b>UNITED STATES OF AMERICA</b>  <b>v.</b>  <b>ABD AL RAHIM HUSSAYN MUHAMMAD AL NASHIRI</b>	<b>AE 349</b>  <b>DOCKETING ORDER</b>  <b>23 June 2016</b>
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1. A hearing in this case will take place **7 – 9 September 2016**, at the US Naval Station, Guantanamo Bay, Cuba. The hearing will begin at **0900** on **7 September 2016**.
  2. No later than 28 June 2016, the Prosecution will provide the commission with a prioritized list of motions the Prosecution believes are fully briefed and ready to be argued during the September hearing.
  3. Within seven (7) calendar days of the Prosecution filing the aforementioned list, Defense Counsel will provide the Commission with a prioritized list of motions the Defense believes are fully briefed and ready to be argued during the September hearing.
  4. Additionally, during a telephonic conference held on 21 June 2016 pursuant to Rule for Military Commission 802, Defense Counsel indicated an intention to file a motion based upon the recently-issued United States Supreme Court decision in *RJR Nabisco Inc. v. European Union Community*, 2016 WL 3369423. If the Defense desires to have the motion argued during the September session, the Defense must file the motion no later than 8 July 2016.
  5. The time which has transpired since arraignment until the date of the next session (7 September 2016) shall be considered excludable delay in accordance with R.M.C. 707(b) (4) (E) (i) and R.M.C. 707(c). I find that the interests of justice have been served by granting continuances for the resolution of interlocutory and other pretrial issues, and that the resolution of these issues outweighs the interests of the public and the Accused in a prompt trial.
- So **ORDERED** this 23rd day of June, 2016.

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VANCE H. SPATH, Colonel, USAF  
Military Judge  
Military Commissions Trial Judiciary